

MINTZER, SAROWITZ, ZERIS,
LEDVA & MEYERS
BY: STEPHEN LEDVA, JR., ESQUIRE
Identification No.: 42372
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MSZL&M File No. 7380.0023

Attorney for Defendants,
ABX AIR, INC.

JOSEPH THOMAS and JOANNE THOMAS,
h/w,

vs.

ABX AIR, INC. and PAC NATIONAL,

COURT OF COMMON PLEAS
Philadelphia County

JANUARY TERM, 2002
No. 000856

**NOTICE OF REMOVAL OF CIVIL ACTION
TO THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
BY DEFENDANT, ABX AIR, INC.**

Defendant/Petitioner, ABX Air, Inc., respectfully petitions this court for removal of the above-captioned case from the Court of Common Pleas of Philadelphia County to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. 1332(a)(2) and 1441(a), and alleges as follows:

1. The above action was commenced by plaintiff/respondent, Joseph Thomas and Joanne Thomas h/w, against defendants, ABX Air, Inc. and PAC National in the Court of Common Pleas of Philadelphia County, Civil Trial Division, January Term, 2002, No. 000856. A true and correct copy of plaintiff's Complaint, filed on April 16, 2002, is attached hereto and marked as Exhibit "A".
2. Defendant/Petitioner, ABX Air, Inc., was served with a copy of the Complaint on May 1, 2002.

3. The above-captioned Court of Common Pleas action is a suit of a wholly civil nature in which the United States District Court for the Eastern District of Pennsylvania has original jurisdiction pursuant to 28 U.S.C. Section 1332(a)(2) and is one that may be removed by your petitioners pursuant to 28 U.S.C. Section 1441(a).
4. Pursuant to the Complaint, plaintiff, Joseph Thomas, is an individual residing at 12 Harvest Drive, Thorndale, PA 19372.
5. Pursuant to the Complaint, defendant PAC National is an unincorporated entity with a principal place of business at 12771 Monarch Street, Garden Grove, California 92841.
6. Defendant ABX Air, Inc. is incorporated in the state of Delaware with its principal place of business at 145 Hunter Drive, Wilmington, Ohio, 45177.
7. Removal of this cause of action is sought based on the diversity of citizenship of the parties and the jurisdictional amount as set forth in plaintiff's Complaint.

WHEREFORE, defendant/petitioner, ABX Air, Inc., prays that this action be removed from the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

MINTZER, SAROWITZ, ZERIS,
LEDVA & MEYERS

BY: _____
STEPHEN LEDVA, JR., ESQUIRE
Attorney for Defendant,
ABX AIR, INC.

MINTZER, SAROWITZ, ZERIS,
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Attorney for Defendant,
ABX AIR, INC.

JOSEPH THOMAS and JOANNE THOMAS,
h/w

vs.

ABX AIR, INC. and PAC NATIONAL

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
OF PENNSYLVANIA

CIVIL ACTION NO.

NOTICE OF FILING FOR REMOVAL
TO THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TO: Thomas F. Sacchetta, Esquire
SACCHETTA & BALDINO
308 East Second Street
Media, PA 19063

Anton G. Marzano
LAW OFFICES OF ANNA WALDHERR
1500 John F. Kennedy Boulevard, Suite 1120
Philadelphia, PA 19102

PLEASE BE ADVISED that a verified Notice of Removal in the above-captioned action from the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania, was filed with the Clerk of the United States District Court for the Eastern District of Pennsylvania on May 28, 2002.

MINTZER, SAROWITZ, ZERIS,

LEDVA & MEYERS

BY: _____

STEPHEN LEDVA, JR., ESQUIRE
Attorney for Defendant,
ABX AIR, INC.